

Introduced by Senator Steinberg

February 24, 2012

An act to amend Section 52052 of, and to add Section 52052.9 to, the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1458, as introduced, Steinberg. School accountability: Academic Performance Index: graduation rates.

The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) that measures the performance of schools and the academic performance of pupils. Under existing law, the API consists of a variety of indicators, including graduation rates for pupils in secondary schools, and is used to measure the progress of specified schools and to rank all public schools for the purpose of the High Achieving/Improving Schools Program. Existing law requires the Superintendent to determine the accuracy of high school graduation rate data before including that data in the API, and to provide an annual report to the Legislature on graduation and dropout rates, as specified.

This bill would authorize the Superintendent to develop and implement a specified program of school quality review to complement the API, if an appropriation for this purpose is made in the annual Budget Act. The bill would also require the Superintendent to annually determine the accuracy of graduation rate data, and would delete the requirement that the Superintendent report annually to the Legislature on graduation and dropout rates. The bill would authorize the Superintendent to incorporate into the API the rates at which pupils successfully promote from one grade to the next in middle school and

high school and matriculate from middle school to high school, as well as pupil preparedness for postsecondary education and career. The bill would delete the requirement that the API be used to measure the progress of specified schools and to rank all public schools for the purpose of the High Achieving/Improving Schools Program. To the extent this bill would require school districts to report additional data for purposes of inclusion in the API or other school quality review, the bill would impose a state-mandated local program.

Existing law provides that pupil scores from certain standards-based achievement tests and the high school exit examination be incorporated into the API, as specified. Under existing law, the results of these tests constitute at least 60% of the value of the index.

This bill would instead require that these test results constitute no more than 40% of the value of the index for secondary schools and at least 40% of the value of the index for primary and middle schools.

Existing law requires the Superintendent to establish an advisory committee to advise the Superintendent and the state board on all appropriate matters relative to the creation of the API, as specified.

This bill would require the Superintendent, on or before March 1, 2013, and in consultation with that advisory committee, to report to the Legislature a method for increasing emphasis on pupil performance in science and social science in the API and a plan to streamline and reduce state-mandated middle and secondary school testing, among other things.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 52052 of the Education Code is amended
- 2 to read:
- 3 52052. (a) (1) The Superintendent, with approval of the state
- 4 board, shall develop an Academic Performance Index (API), to

1 measure the performance of schools, especially the academic
2 performance of pupils.

3 (2) A school shall demonstrate comparable improvement in
4 academic achievement as measured by the API by all numerically
5 significant pupil subgroups at the school, including:

6 (A) Ethnic subgroups.

7 (B) Socioeconomically disadvantaged pupils.

8 (C) English-language learners.

9 (D) Pupils with disabilities.

10 (3) (A) For purposes of this section, a numerically significant
11 pupil subgroup is one that meets both of the following criteria:

12 (i) The subgroup consists of at least 50 pupils each of whom
13 has a valid test score.

14 (ii) The subgroup constitutes at least 15 percent of the total
15 population of pupils at a school who have valid test scores.

16 (B) If a subgroup does not constitute 15 percent of the total
17 population of pupils at a school who have valid test scores, the
18 subgroup may constitute a numerically significant pupil subgroup
19 if it has at least 100 valid test scores.

20 (C) For a school with an API score that is based on no fewer
21 than 11 and no more than 99 pupils with valid test scores,
22 numerically significant *pupil* subgroups shall be defined by the
23 Superintendent, with approval by the state board.

24 (4) (A) The API shall consist of a variety of indicators currently
25 reported to the department, including, but not limited to, the results
26 of the achievement test administered pursuant to Section 60640,
27 attendance rates for pupils in elementary schools, middle schools,
28 and secondary schools, and the graduation rates for pupils in
29 secondary schools.

30 (B) *The Superintendent, with the approval of the state board,*
31 *may also incorporate into the API the rates at which pupils*
32 *successfully promote from one grade to the next in middle school*
33 *and high school, and successfully matriculate from middle school*
34 *to high school.*

35 ~~(A)~~

36 (C) Graduation rates for pupils in secondary schools shall be
37 calculated for the API as follows:

38 (i) Four-year graduation rates shall be calculated by taking the
39 number of pupils who graduated on time for the current school
40 year, which is considered to be three school years after the pupils

1 entered grade 9 for the first time, and dividing that number by the
2 total calculated in clause (ii).

3 (ii) The number of pupils entering grade 9 for the first time in
4 the school year three school years ~~prior to~~ *before* the current school
5 year, plus the number of pupils who transferred into the class
6 graduating at the end of the current school year between the school
7 year that was three school years ~~prior to~~ *before* the current school
8 year and the date of graduation, less the number of pupils who
9 transferred out of the school between the school year that was three
10 school years ~~prior to~~ *before* the current school year and the date
11 of graduation who were members of the class that is graduating at
12 the end of the current school year.

13 (iii) Five-year graduation rates shall be calculated by taking the
14 number of pupils who graduated on time for the current school
15 year, which is considered to be four school years after the pupils
16 entered grade 9 for the first time, and dividing that number by the
17 total calculated in clause (iv).

18 (iv) The number of pupils entering grade 9 for the first time in
19 the school year four years ~~prior to~~ *before* the current school year,
20 plus the number of pupils who transferred into the class graduating
21 at the end of the current school year between the school year that
22 was four school years ~~prior to~~ *before* the current school year and
23 the date of graduation, less the number of pupils who transferred
24 out of the school between the school year that was four years ~~prior~~
25 ~~to~~ *before* the current school year and the date of graduation who
26 were members of the class that is graduating at the end of the
27 current school year.

28 (v) Six-year graduation rates shall be calculated by taking the
29 number of pupils who graduated on time for the current school
30 year, which is considered to be five school years after the pupils
31 entered grade 9 for the first time, and dividing that number by the
32 total calculated in clause (vi).

33 (vi) The number of pupils entering grade 9 for the first time in
34 the school year five years ~~prior to~~ *before* the current school year,
35 plus the number of pupils who transferred into the class graduating
36 at the end of the current school year between the school year that
37 was five school years ~~prior to~~ *before* the current school year and
38 the date of graduation, less the number of pupils who transferred
39 out of the school between the school year that was five years ~~prior~~
40 ~~to~~ *before* the current school year and the date of graduation who

1 were members of the class that is graduating at the end of the
2 current school year.

3 ~~(B)~~

4 (D) The inclusion of five- and six-year graduation rates for
5 pupils in secondary schools shall meet the following requirements:

6 (i) Schools shall be granted one-half the credit in their API
7 scores for graduating pupils in five years that they are granted for
8 graduating pupils in four years.

9 (ii) Schools shall be granted one-quarter the credit in their API
10 scores for graduating pupils in six years that they are granted for
11 graduating pupils in four years.

12 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted
13 full credit in their API scores for graduating in five or six years a
14 pupil with disabilities who graduates in accordance with his or her
15 individualized education program (IEP).

16 ~~(C)~~

17 (E) The pupil data collected for the API that comes from the
18 achievement test administered pursuant to Section 60640 and the
19 high school exit examination administered pursuant to Section
20 60851, when fully implemented, shall be disaggregated by special
21 education status, English-language learners, socioeconomic status,
22 gender, and ethnic group. Only the test scores of pupils who were
23 counted as part of the enrollment in the annual data collection of
24 the California Basic Educational Data System for the current fiscal
25 year and who were continuously enrolled during that year may be
26 included in the test result reports in the API score of the school.

27 **Results**

28 (F) (i) *Results* of the achievement test and other tests specified
29 in subdivision (b) shall constitute ~~at least 60~~ *no more than 40*
30 percent of the value of the index *for secondary schools*.

31 (ii) *In addition to the elements required by this paragraph, the*
32 *Superintendent, with approval of the state board, may incorporate*
33 *into the index for secondary schools valid, reliable, and stable*
34 *measures of pupil preparedness for postsecondary education and*
35 *career.*

36 (G) *Results of the achievement test and other tests specified in*
37 *subdivision (b) shall constitute at least 40 percent of the value of*
38 *the index for primary schools and middle schools.*

39 ~~(D) Before including high school graduation rates and attendance~~
40 ~~rates in the API, the~~

1 (H) ~~The Superintendent shall annually determine the extent to~~
2 ~~which the data currently are reported to the state and the accuracy~~
3 ~~of the graduation rate data. Notwithstanding any other provision~~
4 ~~of law, graduation rates for pupils in dropout recovery high schools~~
5 ~~shall not be included in the API. For purposes of this subparagraph,~~
6 ~~“dropout recovery high school” means a high school in which 50~~
7 ~~percent or more of its pupils have been designated as dropouts~~
8 ~~pursuant to the exit/withdrawal codes developed by the department.~~

9 ~~(E) The Superintendent shall provide an annual report to the~~
10 ~~Legislature on the graduation and dropout rates in California and~~
11 ~~shall make the same report available to the public. The report shall~~
12 ~~be accompanied by the release of publicly accessible data for each~~
13 ~~school district and school in a manner that provides for~~
14 ~~disaggregation based upon socioeconomically disadvantaged pupils~~
15 ~~and numerically significant subgroups scoring below average on~~
16 ~~statewide standards-aligned assessments. In addition, the data shall~~
17 ~~be made available in a manner that provides for comparisons of a~~
18 ~~minimum of three years of data.~~

19 ~~(I) To complement the API, the Superintendent, with the~~
20 ~~approval of the state board, may develop and implement a program~~
21 ~~of school quality review that features locally convened panels to~~
22 ~~visit schools, observe teachers, interview students, and examine~~
23 ~~student work, if an appropriation for this purpose is made in the~~
24 ~~annual Budget Act.~~

25 (b) Pupil scores from the following tests, when available and
26 when found to be valid and reliable for this purpose, shall be
27 incorporated into the API:

28 (1) The standards-based achievement tests provided for in
29 Section 60642.5.

30 (2) The high school exit examination.

31 (c) Based on the API, the Superintendent shall develop, and the
32 state board shall adopt, expected annual percentage growth targets
33 for all schools based on their API baseline score from the previous
34 year. Schools are expected to meet these growth targets through
35 effective allocation of available resources. For schools below the
36 statewide API performance target adopted by the state board
37 pursuant to subdivision (d), the minimum annual percentage growth
38 target shall be 5 percent of the difference between the actual API
39 score of a school and the statewide API performance target, or one
40 API point, whichever is greater. Schools at or above the statewide

1 API performance target shall have, as their growth target,
2 maintenance of their API score above the statewide API
3 performance target. However, the state board may set differential
4 growth targets based on grade level of instruction and may set
5 higher growth targets for the lowest performing schools because
6 they have the greatest room for improvement. To meet its growth
7 target, a school shall demonstrate that the annual growth in its API
8 is equal to or more than its schoolwide annual percentage growth
9 target and that all numerically significant pupil subgroups, as
10 defined in subdivision (a), are making comparable improvement.

11 (d) Upon adoption of state performance standards by the state
12 board, the Superintendent shall recommend, and the state board
13 shall adopt, a statewide API performance target that includes
14 consideration of performance standards and represents the
15 proficiency level required to meet the state performance target.
16 When the API is fully developed, schools, at a minimum, shall
17 meet their annual API growth targets to be eligible for the
18 Governor's Performance Award Program as set forth in Section
19 52057. The state board may establish additional criteria that schools
20 must meet to be eligible for the Governor's Performance Award
21 Program.

22 ~~(e) The API shall be used for both of the following:~~

23 ~~(1) Measuring the progress of schools selected for participation~~
24 ~~in the Immediate Intervention/Underperforming Schools Program~~
25 ~~pursuant to Section 52053.~~

26 ~~(2) Ranking all public schools in the state for the purpose of the~~
27 ~~High Achieving/Improving Schools Program pursuant to Section~~
28 ~~52056.~~

29 ~~(f)~~

30 (e) (1) A school with 11 to 99 pupils with valid test scores shall
31 receive an API score with an asterisk that indicates less statistical
32 certainty than API scores based on 100 or more test scores.

33 (2) A school annually shall receive an API score, unless the
34 Superintendent determines that an API score would be an invalid
35 measure of the performance of the school for one or more of the
36 following reasons:

37 (A) Irregularities in testing procedures occurred.

38 (B) The data used to calculate the API score of the school are
39 not representative of the pupil population at the school.

1 (C) Significant demographic changes in the pupil population
2 render year-to-year comparisons of pupil performance invalid.

3 (D) The department discovers or receives information indicating
4 that the integrity of the API score has been compromised.

5 (E) Insufficient pupil participation in the assessments included
6 in the API.

7 (3) If a school has fewer than 100 pupils with valid test scores,
8 the calculation of the API or adequate yearly progress pursuant to
9 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
10 et seq.) and federal regulations may be calculated over more than
11 one annual administration of the tests administered pursuant to
12 Section 60640 and the high school exit examination administered
13 pursuant to Section 60851, consistent with regulations adopted by
14 the state board.

15 ~~(g)~~

16 (f) Only schools with 100 or more test scores contributing to
17 the API may be included in the API rankings.

18 ~~(h)~~

19 (g) The Superintendent, with the approval of the state board,
20 shall develop an alternative accountability system for schools under
21 the jurisdiction of a county board of education or a county
22 superintendent of schools, community day schools, nonpublic,
23 nonsectarian schools pursuant to Section 56366, and alternative
24 schools serving high-risk pupils, including continuation high
25 schools and opportunity schools. Schools in the alternative
26 accountability system may receive an API score, but shall not be
27 included in the API rankings.

28 SEC. 2. Section 52052.9 is added to the Education Code, to
29 read:

30 52052.9. (a) On or before March 1, 2013, the Superintendent,
31 in consultation with the advisory committee established pursuant
32 to Section 52052.5, shall report to the Legislature and recommend
33 to the state board for adoption a method or methods for increasing
34 the emphasis on pupil performance in science and social science
35 in the Academic Performance Index (API).

36 (b) On or before March 1, 2013, the Superintendent, in
37 consultation with the advisory committee established pursuant to
38 Section 52052.5, shall report to the Legislature both of the
39 following:

1 (1) A plan to streamline and reduce state-mandated middle and
2 secondary school testing, including, but not limited to, eliminating
3 redundant assessments and assessments that lack tangible meaning
4 for pupils, and reducing or minimizing testing time for pupils,
5 teachers, and administrators in order to restore instructional time.

6 (2) An alternative method or methods, in place of decile rank,
7 for determining eligibility, preferences, or priorities for any
8 statutory program that currently uses decile rank as a determining
9 factor.

10 SEC. 3. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.